

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Administration of the)
North American Numbering Plan)
Carrier Identification Codes (CICs)) CC Docket No. 92-237
)
MCI Telecommunications Corporation)
Petition for Emergency Stay)

**COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY,
PACIFIC BELL AND NEVADA BELL**

Southwestern Bell Telephone Company ("Southwestern Bell"), Pacific Bell and Nevada Bell (collectively referenced as the "SBC Telephone Companies") submit these Comments in opposition to the Petition for Emergency Stay filed by MCI Telecommunications Corporation ("MCI") on August 12, 1998 in the above-captioned proceeding in an 11th hour attempt to delay the September 1, 1998 deadline date for the blocking of 3-digit carrier identification code ("CIC") calls from end-offices converted to 4-digit CICs. The contentions made by MCI do not support the extraordinary remedy sought nor does MCI cite sufficient evidence in support of these speculative claims.

I. THE MCI PETITION IS INHERENTLY FLAWED.

MCI seeks the following action from the Commission: (1) that BellAtlantic be directed to immediately halt its "CIC transition" and that the other local exchange carriers' ("LECs") August 14, 1998 responses to the Common Carrier Bureau's request

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for information be analyzed within ten (10) days of their submission to determine if similar action is warranted in their territories; (2) that all LECs be directed to provide intercept announcements, without "excessive ringing", for access code calls placed with 3-digit CICs and; (3) that the September 1, 1998 deadline for the blocking of 3-digit CICs be stayed by ordering all LECs to immediately halt CIC transition related activity "until the Bureau determines that dial around service integrity is maintained."¹ MCI makes two "factual" contentions in support of this remedy. First, MCI contends that the LECs are not appropriately applying intercept announcement messages for 3-digit CICs, allowing a call to ring as many as twenty times before the message is transmitted.² Although MCI claims all LECs are guilty of this alleged transgression, the only specific results cited by MCI pertain to field tests allegedly conducted with regard to BellAtlantic service.³ The second argument made by MCI is the claim that the status of the LECs' conversion schedule "indicates that the delayed intercept announcement issue will only grow."⁴

MCI's Petition is inherently flawed. The remedy sought is vague and, in certain respects, appears contradictory. Would MCI have the Commission review the LECs' responses to its information request in assessing whether a stay of CIC transition activity beyond BellAtlantic territory is warranted or simply issue a nationwide stay without such an analysis? Moreover, at what point can the stay be lifted if the criteria to be used is the maintenance of dial around "service integrity"?

¹ MCI Petition, pp. 8-9.

² MCI Petition, p. 4

³ MCI Petition, pp. 5-6.

⁴ MCI Petition, p. 6.

MCI's Petition also does not contain any credible proof which would support the Commission's granting of this extraordinary remedy. MCI fails to cite any quantifiable evidence of a nationwide delay in the processing of the intercept announcements. There is no evidence whatsoever that the current conversion schedule could in anyway heighten or contribute to any intercept announcement delay, assuming one in fact exists. There is no correlation drawn between the conversion schedule and the "technical deficiency" argued by MCI. There is no demonstrable, objective proof of customer confusion or service degradation resulting from any perceived intercept message delay. In short, MCI's Petition lacks sufficient credible and quantifiable evidence upon which to base the imposition of a nationwide stay.

II. THE RESULTS OF THE FIELD TESTS CONDUCTED WITHIN THE TERRITORIES OF THE SBC TELEPHONE COMPANIES CONTRADICT THE GENERAL ASSERTIONS OF MCI.

In assessing MCI's claims, it is important to understand the intercept message process. The CIC-related intercept announcement was implemented by the SBC Telephone Companies in the same manner as all other standard announcements. In the "post permissive" environment, if a customer dials a 3-digit CIC from a 4-digit CIC converted end office, the call is routed in the converted end office to the intercept announcement. This same process applies to all announcements. The only difference is the content of the message received by the caller. The number of audible rings before the message is received is not a variable. Typically, a caller receives an announcement within 15 to 18 seconds, or 2 to 3 rings, hardly an excessive delay.⁵ There is no queuing

⁵ If a caller did encounter a prolonged ringing period beyond 4 rings, it would indicate a serious problem with simply an individual switch and corrective action would be taken.

of calls for intercept announcements. The Southwestern Bell Telephone Companies cannot conceive of any nationwide "technical deficiency", such as that purported by MCI to exist, which would consistently and across-the-board result in a delay of 100 seconds on intercept messages for CIC-related calls.⁶

MCI's claim that a customer placing a call utilizing a 3-digit CIC from a post-permissive end office will experience a delay of up to 20 rings before receiving an intercept message⁷ also is contradicted by the field tests performed by the SBC Telephone Companies. Field tests have been conducted by the SBC Telephone Companies since the conversion process began. These tests did not reveal a pattern of excessive ringing of the nature described by MCI.⁸

In response to the filing of MCI's Petition, the SBC Telephone Companies conducted still further testing in all of their major metropolitan areas in California, Nevada, Missouri, Texas, Kansas, Oklahoma and Arkansas. Test calls were made from converted end offices utilizing the primary carrier access codes based on 3-digit CICs for AT&T, MCI, Sprint and WorldComm. A total of approximately 300 representative

⁶ All announcements, including those pertaining to CIC-related calls, are handled in accordance with Bellcore's Local Switching System Generic Requirements ("LSSGR"). These requirements provide, "If an announcement is configured for non-barge-in operations, [a converted end office] shall provide the means to connect the calling [party] to the start of the announcement within 18 seconds..."

⁷ MCI Petition, p. 1.

⁸ As new recorded announcements are turned up, it is standard procedure for technicians to check for proper call completion and the correct wording of the announcement. During the phased-in implementation of 4-digit CICs, test calls also were made following the input of translations for the "permissive dialing" period and the "post-permissive" period.

switches were tested.⁹ In all of these test calls, no more than 3 rings occurred before the intercept announcement was transmitted and received. The maximum "delay" in connecting the intercept announcement was 18 seconds, far short of the 100 second delay claimed by MCI.¹⁰

Despite MCI's claim of customer confusion, the Southwestern Bell Telephone Companies have not received any customer complaints related to any delay in receiving the intercept announcement since the post-permissive conversion process began in July 1998. If MCI's customers are confused, it is more likely due to MCI's delay in implementing its customer education program and not due to any delay in the processing of the announcement.¹¹

III. GIVEN THE STATUS OF THE SBC TELEPHONE COMPANIES CONVERSION PROCESS, A STAY OF THE CONVERSION PROCESS WOULD BE CONTRARY TO THE PUBLIC INTEREST.

As the SBC Telephone Companies related in their response dated August 14, 1998 to the Common Carrier Bureau, Pacific Bell and Nevada Bell are very close to completing the conversion of their end offices to accept only 4-digit CICs.¹² Once this is

⁹ Specifically, 73 1A switches, 92 5ESS switches, 71 DMS 100 switches and 41 Ericsson switches were tested. At least five calls utilizing the most common 5-digit carrier access codes were placed to each switch.

¹⁰ With regard to the DMS 100 and the Ericsson switches, there was a delay of 0 to 3 rings. For the 1A and the 5ESS switches, the intercept message was transmitted and received within 1 to 3 rings.

¹¹ MCI and other interexchange carriers have had three years in order to educate their customers as to the inevitable 3-digit CIC blocking. The phased-in conversion process has provided these entities with an ample opportunity to facilitate their customers' understanding. It is to be expected given MCI's dilatory customer education efforts that its customers are experiencing some confusion.

¹² Only two switches remain to be converted as of this date and this conversion activity is scheduled to be completed by August 21, 1998.

done, all calls to carrier access codes based on 3-digit CICs in these territories will be routed to intercept announcements as outlined above. Southwestern Bell also will complete this process by the September 1, 1998 due date and has already converted more than 80% of its end offices. By the time the Commission issues its order in response to the MCI Petition, this conversion percentage will be even greater.

There has been no evidence offered by MCI that there is any delay in the transmission of the intercept messages being received by callers dialing carrier access codes based on 3-digit CICs from the SBC Telephone Companies converted offices. Nor has MCI offered any evidence of this nature concerning any of the other LECs, apart from BellAtlantic. Yet, MCI speculates that the nationwide "problem" with excessive ringing that it claims to have identified, if not substantiated, will be compounded if the LECs proceed to convert their end offices in accordance with the Commission's prescribed schedule. Based upon this speculation, MCI argues that a stay would be in the public interest.

Clearly it is not in the public interest to delay the culmination of a long planned cut-off until an indeterminate date. While there is no evidence of widespread customer confusion resulting from any delay in the transmission of intercept announcements, a stay at the 11th hour in this implementation would unquestionably confuse the public. Most of the LECs have completed, or are in the final stages of completing, the conversion process. The vast majority of the parties effected by the CIC conversion have diligently educated their customers concerning the conversion's ramifications. Yet, imagine trying to explain to a customer why for an indeterminate period of time, he can make a dial around call to the same location with the same carrier in one part of the country using one

number, but cannot make the same call with the same carrier using the same dialing pattern in another part of the country. To stay the implementation at this stage will only compound public confusion; it certainly will do nothing to alleviate it as MCI would have the Commission believe.

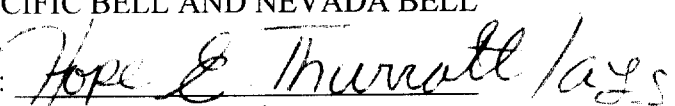
IV. CONCLUSION

MCI's Petition for Emergency Stay is not supported by the evidence. Rather it consists of overbroad generalizations and speculation based on questionable proof concerning a single LEC. Moreover, even if sufficient proof had been submitted of a nationwide practice, there has been no demonstrated detriment sustained by the dial-around industry or the public. Given these deficiencies, MCI's Petition falls woefully short of the standards required for an emergency stay, particularly one sought only a few short weeks before the culmination of a long-planned implementation.

Respectfully submitted,

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August 19, 1998

CERTIFICATE OF SERVICE

I, Myra D. Creeks, hereby certify that "Comments of Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell," in Docket No. 92-237 have been served on August 19, 1998, to the Parties of Record.

A handwritten signature in cursive script, reading "Myra D. Creeks", is written over a horizontal line.

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